

Introduced by Senators Wyland and Walters

February 15, 2013

An act to amend Section 53069.8 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 298, as introduced, Wyland. Local government: supplemental law enforcement services.

Existing law provides that a board of supervisors of a county, and a legislative body of a city, may contract to provide supplemental law enforcement services to private individuals or entities at special events or occurrences.

This bill would authorize a board of supervisors of a county, and a legislative body of a city, to contract to provide supplemental law enforcement services to a homeowners' association on an occasional or ongoing basis.

Existing law provides that a contract entered into by a board of supervisors of a county or a legislative body of a city to provide supplemental law enforcement services shall encompass only law enforcement duties and not services authorized to be provided by a private patrol operator, as defined.

This bill would delete that restriction.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53069.8 of the Government Code is
2 amended to read:

53069.8. (a) The board of supervisors of ~~any a~~ county may contract on behalf of the sheriff of that county, and the legislative body of ~~any a~~ city may contract on behalf of the chief of police of that city, to provide supplemental law enforcement services to:

(1) Private individuals or private entities to preserve the peace at special events or occurrences that happen on an occasional basis.

(2) Private nonprofit corporations that are recipients of federal, state, county, or local government low-income housing funds or grants to preserve the peace on an ongoing basis.

(3) Private entities at critical facilities on an occasional or ongoing basis. A ~~critical~~ “Critical facility” means ~~any a~~ building, structure, or complex that in the event of a disaster, whether natural or manmade, poses a threat to public safety, including, but not limited to, airports, oil refineries, and nuclear and conventional fuel powerplants.

(4) *Homeowners’ associations on an occasional or ongoing basis. “Association” has the same meaning as defined in subdivision (a) of Section 1351 of the Civil Code.*

(b) Contracts entered into pursuant to this section shall provide for full reimbursement to the county or city of the actual costs of providing those services, as determined by the county auditor or auditor-controller, or by the city, ~~as the case may be~~.

(c) (1) The services provided pursuant to this section shall be rendered by regularly appointed full-time peace officers, as defined in Section 830.1 of the Penal Code.

(2) Notwithstanding paragraph (1), services provided in connection with special events or occurrences, as specified in paragraph (1) of subdivision (a), may be rendered by Level I reserve peace officers, as defined in paragraph (2) of subdivision (a) of Section 830.6 of the Penal Code, who are authorized to exercise the powers of a peace officer, as defined in Section 830.1 of the Penal Code, if there are no regularly appointed full-time peace officers available to fill the positions as required in the contract.

(d) Peace officer rates of pay shall be governed by a memorandum of understanding.

~~(e) A contract entered into pursuant to this section shall encompass only law enforcement duties and not services authorized to be provided by a private patrol operator, as defined in Section 7582.1 of the Business and Professions Code.~~

1 ~~(f)~~

2 ~~(e)~~ Contracting for law enforcement services, as authorized by
3 this section, shall not reduce the normal and regular ongoing
4 service that the county, agency of the county, or city otherwise
5 would provide.

6 ~~(g)~~

7 ~~(f)~~ Prior to contracting for ongoing services under paragraph
8 ~~(2) or (2), (3), or (4)~~ of subdivision (a), the board of supervisors
9 or legislative body, as applicable, shall discuss the contract and
10 the requirements of this section at a duly noticed public hearing.

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